

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AMANDA WOOD, <i>Plaintiff,</i>	§	
	§	
	§	
vs.	§	CIVIL ACTION NO.: 5:21-cv-00895
	§	
BEXAR COUNTY and BEXAR COUNTY	§	
DEPUTY J. GEREB, In his Individual	§	
Capacity,	§	
<i>Defendants.</i>	§	

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1331 (FEDERAL
QUESTION JURISDICTION)**

COMES NOW, Respondents BEXAR COUNTY and BEXAR COUNTY DEPUTY J. GEREB and file this Notice of Removal pursuant to 28 U.S.C. § 1446(a).

INTRODUCTION

1. On August 3, 2021, Petitioner Amanda Wood filed an original petition in Cause No. 2021-CI-15552, *Amanda Wood v. Bexar County, Texas and Bexar County Deputy J. Gereb*, in the 407th District Court, Bexar County, Texas (“State Court Action”).¹
2. The respective citations for the named Defendants was issued on August 23, 2021. Though not reflected at this time on the State District Court Docket Sheet, Bexar County was served with the Original Petition on August 24, 2021. It is unknown whether the other named defendant, Deputy J. Gereb, has been served with process at this time.
3. Respondents Bexar County and Bexar County Deputy J. Gereb file their notice of removal within the 30-day period required by 28 U.S.C. § 1446(b).

¹ A copy of Plaintiff’s Original Petition is attached as Exhibit 2.

BASES FOR REMOVAL

4. Removal is properly based on federal question pursuant to 28 U.S.C. §§ 1331, 1441(a) in consideration of the following:

Petitioner's basis for her claims in her original petition include the following 42 U.S.C. § 1983 claims against Bexar County Sheriff's Deputy J. Gereb: Claim I – Fourth Amendment Unreasonable Seizure of Petitioner's person; Claim II – Fourth Amendment Unreasonable Search of Petitioner's vehicle; Claim III – Fourth Amendment Unreasonable Seizure: Excessive Force; and Claim IV – alleged violations of Petitioner's Fourteenth Amendment Due Process rights through an alleged filing of false criminal charges against Petitioner.² Petitioner also makes 42 U.S.C. § 1983 *Monell* claims against Respondent Bexar County.³ Petitioner specifically alleges these violations occurred in violation of her rights under "the United States Constitution."⁴ Federal question subject matter jurisdiction is granted to this District Court under 28 U.S.C. § 1331, which provides district courts with original jurisdiction over civil actions that involve rights arising under the United States Constitution. 28 U.S.C. § 1331. Petitioner's constitutional claims should be properly removed to federal court based on the federal questions at issue. To the extent Petitioner sets forth any state law claims, the District Court shall have supplemental jurisdiction over the same. 28 U.S.C. § 1367.

5. Pursuant to 28 U.S.C. §§ 1441 and 1446, Respondents remove this action to the United States District Court for the Western District of Texas, San Antonio

² Plaintiff's State Court Original Petition, ¶¶ IX(1)-(4).

³ *Id.*, pgs. 12-17.

⁴ *Id.*, ¶ VII(a).

Division, which is the judicial district and division in which the State Court Action is pending. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). In the state court action, there is a pending motion to withdraw as attorney, which is scheduled to be heard on September 23, 2021.

INDEX OF EXHIBITS

6. All file-stamped pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of the following:
- a) Exhibit 1: State District Court Docket Sheet
 - b) Exhibit 2: Plaintiff's Original Petition
 - c) Exhibit 3: Request for Process and Citations to Defendants
 - d) Exhibit 4: Motion to Withdraw as Attorney
 - e) Exhibit 5: Amended Motion to Withdraw
 - f) Exhibit 6: Motion to Set Hearing on Motion to Withdraw

JURY DEMAND

7. Respondents demand a jury trial as to any claims asserted by Petitioner.

CONCLUSION AND PRAYER

8. For the foregoing reasons, Respondents ask the Court to uphold this removal and to retain jurisdiction over this suit.

Respectfully submitted,

JOE D. GONZALES
Bexar County Criminal District Attorney

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Sheriff's Deputy J. Gereb***

CERTIFICATE OF SERVICE

I do hereby certify on the 20th day of September 2021, I electronically filed Respondents' Notice of Removal with the Clerk of Court using the CM/ECF system, which provided electronic service upon all parties.

/s/ Robert W. Piatt III
ROBERT W. PIATT III